IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

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D.B. CIVIL SPECIAL APPEAL NO.902/1998

Smt. Gavari Devi

Versus

The State of Rajasthan and ors.

Date of Order : 15.4.2006.

PRESENT

HON'BLE MR.RAJESH BALIA, J.
HON'BLE MR. JUSTICE R.P. VYAS

Mr.C.S. Kotwani, for the appellant
Mr. L.R. Upadhyaya, for the respondents.

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Heard the learned counsel for the parties.

This appeal is directed against the order of learned Single Judge dismissing the writ petition filed by the petitioner – appellant seeking mandamus that her pending application for grant of quarry licence in respect of quary No.2062 at Fidusar area may be decided within a time bound programme.

The learned single Judge dismissed the writ petition without noticing any fact or the manner in which Banswara Mines Owners' case has been dismissed. Unfortunatley,

neither the reference or any particulars with which that judgment could be related to nor ratio laid down in that judgment has been shown to have any nexus with the relief prayed for by the petitioner – appellant. Apparently, the judgment under appeal cannot be sustained.

In the present circumstances, we deem it just and proper to set aside the judgment of the learned Single Judge and dispose of the writ petition with a direction to the respondents to decide the application of the petitioner for grant of quarry licence in resect of quarry No.2062 of Fidusar area, if the same has already not been allotted to some one else, in accordance with law as it exists today, within a period of six weeks from the date the certified copy of this order is placed before the concerned authority.

Accordingly, the appeal is allowed. No order as to costs.

(R.P.VYAS),J. **(RAJESH BALIA)J.**

SS/-